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F. # 2005V01179

IN CLERK'S OFFICE
U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORIGINAL

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UNITED STATES OF AMERICA

- against -

LLOYD MCKEND,

**PRELIMINARY ORDER OF
FORFEITURE**

CR-03-1368 (S-3) (ARR)

Defendant.

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WHEREAS, in the Superseding Indictment in the above-captioned case, the United States sought forfeiture pursuant to Title 21, United States Code, Section, 853, of any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of violations of Title 21, United States Code, Section 963, as alleged in the Superseding Indictment; and

WHEREAS, on April 22, 2005, the defendant, LLOYD MCKEND, pled guilty to a violation of Count 1 of the Superseding Indictment, to wit, Title 21, United States Code, Section 963, as alleged in the superseding Indictment; and

WHEREAS, pursuant to the defendant's plea agreement, the defendant agreed and consented to the entry of a forfeiture money judgment in the sum of \$5,000.00 (the "Forfeiture Money Judgment"), pursuant to Title 21, United States Code, Section 853, as property

constituting, or derived from, proceeds obtained, directly or indirectly, and/or property used to commit, or to facilitate the commission to violation of Title 21, United States Code, Section 963.

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to 21 U.S.C. § 853, a Forfeiture Money Judgment in the principle amount of \$5,000.00 United States currency, is hereby entered against the defendant in favor of the United States.

2. Service on defendant McKend's counsel, Melvin Roth, Esq., may be made by telecopier with a confirmation copy by mail, and such service shall constitute sufficient notice to defendant McKend.

3. Upon entry of this Order, the United States Attorney General or designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3), and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

5. The Court shall retain jurisdiction to enforce this

Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

6. The Clerk of the Court shall forward four (4) certified copies of this Order to Assistant U.S. Attorney Brendan G. King, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
August 18, 2005

X _____
HONORABLE JALYNNE R. ROSS
UNITED STATES DISTRICT JUDGE